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HOUSE MEMORIAL 11

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Mimi Stewart

A MEMORIAL

REQUESTING THAT THE NEW MEXICO HEALTH POLICY COMMISSION, IN COORDINATION WITH THE DEPARTMENT OF HEALTH, THE BOARD OF PHARMACY AND OTHER ORGANIZATIONS, STUDY THE AVAILABILITY OF EMERGENCY CONTRACEPTION THROUGHOUT NEW MEXICO AND PROVIDE THE PUBLIC WITH INFORMATION ABOUT WHERE EMERGENCY CONTRACEPTION IS AVAILABLE IN THE STATE.

WHEREAS, Subsection C of Section 24-10D-2 NMSA 1978 defines "emergency contraception" as "a drug approved by the federal food and drug administration that prevents pregnancy after sexual intercourse"; and

WHEREAS, according to the national women's health information center at the United States department of health and human services office on women's health, emergency contraceptives are not the same as an abortion pill and keep a .164994.2

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1 woman from becoming pregnant; and

2 WHEREAS, according to the national women's health
3 information center, the sooner a woman takes emergency
4 contraception after sex, the better it will prevent pregnancy;
5 and

6 WHEREAS, according to the New Mexico health policy
7 commission, "Unintended pregnancies in New Mexico compound the
8 state's current socio-economic status of having higher than
9 national poverty and uninsured rates", and "unintended
10 pregnancy is associated with an increased risk of morbidity for
11 women and with health behaviors during pregnancy that are
12 associated with adverse effects"; and

13 WHEREAS, according to the New Mexico health policy
14 commission, in fiscal year 2002, forty-four percent of New
15 Mexico's mothers did not intend their pregnancies, about one-
16 half of New Mexican women with unplanned pregnancies had not
17 been using contraception and nearly eighty percent of
18 pregnancies among young women of ages fifteen to seventeen are
19 unintended; and

20 WHEREAS, "plan B" is a certain form of emergency
21 contraception pill that consists solely of progestin; and

22 WHEREAS, in August 2006, the federal drug administration
23 approved plan B for over-the-counter status for adult women
24 eighteen years of age or older, which means that those women do
25 not need a prescription to obtain plan B; and

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1 WHEREAS, the federal food and drug administration does not
2 permit plan B to be offered at grocery or convenience stores,
3 and most women still must go to a pharmacy or to certain
4 medical providers to obtain plan B; and

5 WHEREAS, plan B is only available behind-the-counter at
6 pharmacies, and minors are still required to have a
7 prescription to obtain plan B and the state medicaid program
8 still requires a prescription for plan B as a condition of
9 reimbursement for both minors and adults; and

10 WHEREAS, there has been a great deal of confusion created
11 among patients, medical providers and pharmacists regarding the
12 new dual status of plan B as an over-the-counter medication for
13 adults and prescription-only for minors; and

14 WHEREAS, a recent study of New Mexico pharmacists
15 indicates that some pharmacists in the state have personal
16 objections to dispensing emergency contraception to patients;
17 and

18 WHEREAS, the board of pharmacy provides training to enable
19 pharmacists to prescribe emergency contraceptives to patients;
20 and

21 WHEREAS, it is critical for patients to obtain plan B and
22 other emergency contraceptives as soon as possible to prevent
23 pregnancy; and

24 WHEREAS, patients, pharmacists, medical providers and
25 public health officials do not know which pharmacies in the

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1 state stock and dispense emergency contraceptives, including
2 plan B, or which pharmacies have pharmacists on staff available
3 to prescribe plan B;

4 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
5 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New Mexico
6 health policy commission be requested to conduct a survey to
7 determine the availability and accessibility of plan B,
8 including a survey of each pharmacy within the state to
9 determine the following:

10 A. whether the pharmacy and, if applicable, the
11 retail chain it is a part of, has any policy regarding the
12 stocking or dispensing of emergency contraception, including
13 over-the-counter dispensing of plan B;

14 B. whether the pharmacy stocks emergency
15 contraception, including plan B;

16 C. whether the pharmacy has staff on duty available
17 to dispense emergency contraception, including plan B;

18 D. if the pharmacy does not stock emergency
19 contraception, including plan B, what procedure does it follow
20 for obtaining it promptly, including identifying what
21 distribution centers the pharmacy uses;

22 E. whether the pharmacy has staff who have
23 authority to prescribe emergency contraception; and

24 F. whether the pharmacy has a policy of not
25 stocking or allowing individual pharmacists to refuse to

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1 dispense emergency contraception, including plan B, solely for
2 religious or moral reasons and if so, what the pharmacy's
3 procedure is for ensuring a woman can obtain emergency
4 contraception, including plan B, in a timely manner; and

5 BE IT FURTHER RESOLVED that the New Mexico health policy
6 commission compile and evaluate the results of this survey and
7 prepare a report on the availability of emergency contraception
8 in New Mexico, including plan B, to the appropriate legislative
9 committee no later than November 2007; and

10 BE IT FURTHER RESOLVED that the New Mexico health policy
11 commission create and coordinate a working group that includes
12 representatives of the department of health and the New Mexico
13 pharmacists association, the board of pharmacy and one or more
14 community representatives with expertise and knowledge about
15 the availability and access to emergency contraception,
16 including plan B, in New Mexico; and

17 BE IT FURTHER RESOLVED that copies of this memorial be
18 transmitted to the New Mexico health policy commission, the
19 department of health, the board of pharmacy and the New Mexico
20 pharmacists association.